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EXAMINER

NICHOLSON III, LESLIE AUGUST

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3651

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,209	Applicant(s) HERBERT ET AL.	
	Examiner LESLIE A. NICHOLSON III	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 134-207 is/are pending in the application.
- 4a) Of the above claim(s) 137-152 and 173-207 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 134-136 and 153-172 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/20/05, 8/24/05, 11/8/05, 11/23/05, 3/21/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restrictions

2. Claims 137-152,173-207 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 2/21/2008.

The traversal is on the ground(s) that the claims of Group II (claims 135,172) are not drawn to a separate invention than that of Group I (claims 134,136,153-171). In response, the claims of Group II will be examined in this action.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the paddle wheel (claim 162) and gluing device (claim 163) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 134-136,153-157,164,166,168-170,172 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann DE 10003025 in view of Hank GB 2171084.

Hartmann discloses a device comprising:

- A first and second web cutter (47)
- A cutting arrangement drive mechanism (43) and a former drive mechanism (56)
- A first and second web former (27,28) located after, in a path of travel of a web in said web processing machine, said web cutter
- Means supporting said formers (21)
- At least one actuating member including a former drive mechanism (56) and a rotatable threaded spindle (54)
- A cylinder (31) in engagement with said web
- A common stand (11,12) for said web cutter and said web former
- At least two web processing tools (47) engageable with said cylinder (31)

Hartmann does not expressly disclose a turning bar unit with at least one turning bar, being located before, in said direction of web travel, said former, a drive mechanism for said at least one turning bar, or a control device in functional connection with said former drive mechanism and said turning bar drive mechanism.

Hank teaches the use of a turning bar unit with at least one turning bar (4), being located before, in said direction of web travel, said former, a drive mechanism (5) for said at least one turning bar, and a control device in functional connection with said

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former drive mechanism and said turning bar drive mechanism (fig.2) for the purpose of positioning and compensating the web path (abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a turning bar unit with at least one turning bar, being located before, in said direction of web travel, said former, a drive mechanism for said at least one turning bar, and a control device in functional connection with said former drive mechanism and said turning bar drive mechanism, as taught by Hank, in the device of Hartmann, for the purpose of positioning and compensating the web path.

6. Claim 158 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann DE 10003025 in view of Hank GB 2171084 further in view of Moser PGPub 2003/0071162.

Hartmann discloses all the limitations of the claim, but does not expressly disclose a roll changer with at least one transversely movable roll arm.

Moser teaches the use of a roll changer with at least one transversely movable roll arm (fig.3) for the purpose of replacing rolls.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a roll changer with at least one transversely movable roll arm, as taught by Moser, in the device of Hartmann, for the purpose of replacing rolls.

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7. Claims 159-161 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann DE 10003025 in view of Hank GB 2171084 further in view of Mack USP 4,848,632.

Hartmann discloses all the limitations of the claim, but does not expressly disclose at least one transversely movable sensor.

Mack teaches the use of at least one transversely movable sensor (13,14) for the purpose of guiding a moving web of material (C1/L6,7).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ at least one transversely movable sensor, as taught by Mack, in the device of Hartmann, for the purpose of guiding a moving web of material.

8. Claim 162 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann DE 10003025 in view of Hank GB 2171084 further in view of Michalik USP 6,358,192.

Hartmann discloses all the limitations of the claim, but does not expressly disclose a paddle wheel at an outlet of a folding apparatus.

Michalik teaches the use of a paddle wheel (69) at an outlet of a folding apparatus for the purpose of depositing products on an ejection device.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a paddle wheel at an outlet of a folding apparatus, as taught by Michalik, in the device of Hartmann, for the purpose of depositing products on an ejection device.

9. Claim 163 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann DE 10003025 in view of Hank GB 2171084 further in view of Buckley USP 4,795,451.

Hartmann discloses all the limitations of the claim, but does not expressly disclose at least one transversely movable gluing nozzle.

Buckley teaches the use of at least one transversely movable gluing nozzle (32) for the purpose of applying a sinusoidal pattern of adhesive to the web (C2/L21-39, C6/L13-19).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ at least one transversely movable gluing nozzle, as taught by Buckley, in the device of Hartmann, for the purpose of applying a sinusoidal pattern of adhesive to the web.

10. Claim 165 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann DE 10003025 in view of Hank GB 2171084 further in view of Loquet USP 5,707,054.

Hartmann discloses all the limitations of the claim, but does not expressly disclose at least one transversely movable web longitudinal perforation device.

Loquet teaches the use of at least one transversely movable web longitudinal perforation device (18) for the purpose of preparing the web to be cut into sheets.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ at least one transversely movable web longitudinal perforation device, as taught by Loquet, in the device of Hartmann, for the purpose of preparing the web to be cut into sheets.

11. Claim 167 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann DE 10003025 in view of Hank GB 2171084 further in view of Lehrrieder USP 5,263,414.

Hartmann discloses all the limitations of the claim, but does not expressly disclose a sliding block in engagement with said threaded spindle.

Lehrrieder teaches a sliding block (46) in engagement with said threaded spindle (48) for the purpose of shifting a web guide roller (abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a sliding block in engagement with said threaded spindle, as taught by Lehrrieder, in the device of Hartmann, for the purpose of shifting a web guide roller.

12. Claim 171 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann DE 10003025 in view of Hank GB 2171084 further in view of Michalik USP 6,139,003.

Hartmann discloses all the limitations of the claim, but does not expressly disclose a grooved roller.

Michalik teaches the use of a grooved roller (33) for the purpose of integrating a cutting arrangement with a conveying arrangement (C2/L47-51).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a grooved roller, as taught by Michalik, in the device of Hartmann, for the purpose of integrating a cutting arrangement with a conveying arrangement.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE A. NICHOLSON III whose telephone number is (571)272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. A. N./
Examiner, Art Unit 3651
3/26/2008

/Gene Crawford/
Supervisory Patent Examiner, Art
Unit 3651